

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA, )  
                                )  
Plaintiff,                 )  
                                )  
v.                            ) No. 4:09CR278 HEA  
                                )  
MARIO DARNELL SMITH,    )  
                                )  
Defendant.                 )

**ORDER**

This matter comes before the Court upon Defendant's oral Motion to Continue Trial and oral Waiver of Speedy Trial which were presented to the Court at the Status Conference on September 23, 2009. Plaintiff does not object to this motion.

This Court, upon careful consideration of the motion of Defendant, and on review of the record, finds that the ends of justice would best be served by continuing the trial setting as to Defendant Mario Darnell Smith to October 13, 2009, and that a continuance of these proceedings outweighs the best interest of the public and the defendant in a speedy trial. Furthermore, failure to grant a continuance would deny counsel for the Defendant and the Government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. The Court finally finds that a continuance is necessary in order for defendant to effectively present and preserve suppression issues in this matter.

Defendant has orally waived his right to a speedy trial under the Speedy Trial Act, 18 U.S.C. §3161, on September 23, 2009.

Concluding that the administration of justice will best be served by continuing this case, the Court will reset trial in this proceeding.

Accordingly,

**IT IS HEREBY ORDERED**, that the trial setting as to Defendant Mario Darnell Smith  
is **RESET** to October 13, 2009, at 9:30 a.m.

Dated this 24th day of September, 2009.



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HENRY EDWARD AUTREY  
UNITED STATES DISTRICT JUDGE